IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.51822-M of 2006
Date of Decision:- 19.1.2007

Smt.Kaushlya ....Petitioner(s)

through
Mr.R.D.Yadav, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a convict under Section 307/325/34 IPC and is undergoing rigorous imprisonment for 10 years, assails the order dated 30.6.2006 (Annexure P-2) passed by the Director General of Prisons, Haryana, denying her parole for agricultural purposes on the ground that the land is not in her name and is rather in the name of her father-in-law.

There appears to be no dispute that the petitioner's husband is employed in CISF, that is, a para-military force and cannot be readily available in the village to carry out agricultural operations.

If one reads Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, it is apparent that a prisoner can be released on parole for agricultural purposes if he/she has been in cultivating possession of an undivided agricultural land owned by his/her father. The logical meaning to the said provision would necessarily include the prisoner like the petitioner, who seeks parole to carry out agricultural operations on the land owned by her father-in-law.

Consequently and for the reasons afore-stated, the impugned

order dated 30.6.2006 (Annexure P-2) is quashed and a direction is issued to the Director General of Prisons, Haryana, to reconsider the petitioner's request in the light of the observations made hereinabove within a period of two months from the date of receipt of certified copy of this order.

January 19, 2007 **(SURYA KANT)**
poonam **JUDGE**